

## Remarks

This is in response to the non-final Office Action mailed July 9, 2007. The specification is amended to address informalities. Claims 28-33 are canceled without prejudice or disclaimer. Claims 13-27 are noted as being withdrawn. Claims 1-27 remain pending. Reconsideration and allowance are requested for the following reasons.

### I. Specification

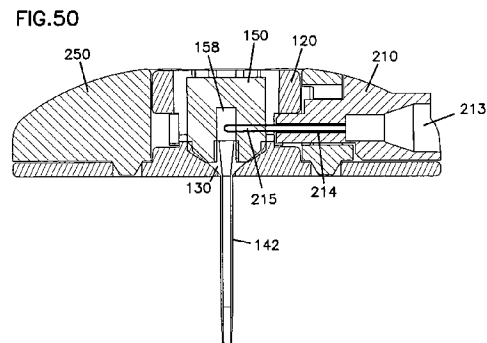
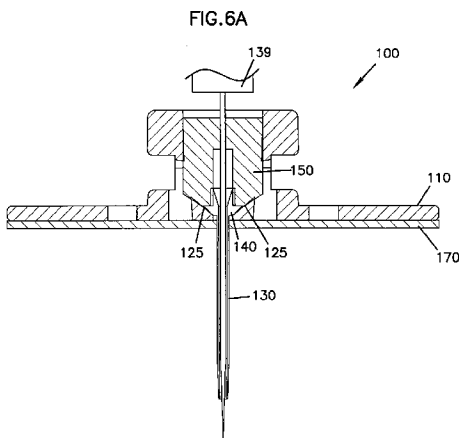
The specification is objected to because of informalities. The specification is amended to address the informalities. Reconsideration and removal of the objection are therefore requested.

### II. Claim Rejections - 35 U.S.C. § 102

Claims 1-3 and 5-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fischell (U.S. Patent No. 5,545,143). This rejection is respectfully traversed, and reconsideration is requested for the following reasons.

Claim 1 is directed to a site for a subcutaneous infusion device. Claim 1 recites, in part, a single, unitary diaphragm coupled to the base. Claim 1 recites that the single diaphragm is pierced by the needle through the upper end to introduce the cannula into the subcutaneous layer of skin of the patient, and that the single diaphragm is pierceable through the sidewall to access the internal reservoir to deliver a substance to the patient through the cannula.

One example of such a diaphragm 150 is shown in Figure 6A (pierced through upper end) and Figure 50 (pierced through side wall) of the present application, reprinted below.



Fischell fails to disclose or suggest a site including such a diaphragm. In Fischell, the diaphragm is pierced through the top during introduction of the cannula (see Figs. 9 and 17), and is again pierced through the top to deliver medicine (see Figs. 15 and 16). Fischell therefore fails to disclose or suggest a diaphragm that is pierceable through the sidewall to access the internal reservoir to deliver a substance to the patient through the cannula, as recited by claim 1.

Reconsideration and allowance of claim 1, as well as claims 2, 3, and 5-8 that depend therefrom, are requested.

III. Allowable Subject Matter

Claim 4 is noted as being allowable, and claims 9-12 are noted as being allowed. The Examiner's assistance in identifying allowable subject matter is appreciated. All claims are in condition for allowance.

IV. Conclusion

Favorable consideration in the form of a Notice of Allowance is requested. Please contact the undersigned attorney with any questions.

Respectfully submitted,  
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Date: January 9, 2008

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